

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

-----X
AKIRO, LLC,

Plaintiff,

– against –

HOUSE OF CHEATHAM, INC.,
and ROBERT H. BELL,

Defendants.
-----X

Civil Action No.: 12-CV-5775

ECF Case

**NOTICE OF MOTION FOR
SUMMARY JUDGMENT
AGAINST DEFENDANT HOUSE
OF CHEATHAM, INC**

ORAL ARGUMENT REQUESTED

PLEASE TAKE NOTICE THAT, upon the within Affidavit of Ms. Titi Branch, sworn to on February 26, 2013 (the “Branch Aff.”) and the exhibits thereto, Plaintiff’s Local Rule 56.1 Statement of Undisputed Facts, affirmed by the undersigned on February 26, 2013, the accompanying Memorandum of Law, and upon all papers and proceedings heretofore had herein, the plaintiff herein named, Akiro, LLC (“Plaintiff”), shall move this Court, before the Honorable Jed S. Rakoff, U.S. District Judge for the Southern District of New York, at the Daniel Patrick Moynihan United States Courthouse, within Courtroom 14B, located at 500 Pearl Street, New York, New York, 10007, at a date and time to be determined by the Court, in its discretion but also at the Court’s next earliest convenience, for an order, pursuant to Rule 56(a) of the Federal Rules of Civil Procedure against defendant House of Cheatham, Inc. (“Defendant”), GRANTING Plaintiff’s Motion for Summary Judgment, and further granting Plaintiff’s request for a final decision: (1) confirming Plaintiff’s rights to relief in connection with its claims for: (a) federal trademark infringement pursuant to Section 32(1)(A) of the Lanham Act (15 U.S.C. § 1114); (b) federal unfair competition and false designation pursuant to Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a); and (c) common law unfair competition under New York State common law; (2) ordering Defendant to cease all use of its AUNT JACKIE’S Mark; (3) awarding Plaintiff all out-of-pocket

expenses together with all appropriate damages; and (4) granting such other, further and different relief as the Court may deem just and proper.

Dated: New York, New York
February 26, 2013

CARTER **P**EK, P.C.

By: /s/ D. Reeves Carter
D. Reeves Carter, Esq.
Matthew A. Pek, Esq.
110 Wall Street, 11th Floor
New York, New York 10005

Counsel for Plaintiff, Akiro, LLC